IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 19TH MARCH, 2007 / 28TH PHALGUNA, 1928

OP.No. 37075 of 2002(L)

PETITIONER:

WYNAD ESTATE MAZDOOR SANGHAM
(BMS-BHARATEEYA MAZDOOR SANGHAM) RE.NO.610/80,BMS OFFICE, KALPETTA,WYNAD REP.BY ITS SECRETARY, ANILKUMAR, S/O. KUNHIKRISHNAN, AGED 32 YEARS, NOW RESIDING AT VALLIMADATHIL,IDIKKARA,POST THALAPUZHA MANANTHAVADI, WAYANAD.

BY ADV. SRI.B.N.SHIVSANKAR
SMT.DEVIKA RAJAN
SRI.JOSE TOM C. KANDATHIL

RESPONDENTS:
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1. DISTRICT LABOUR OFFICER, KALPETTA,WYNAD.

2. LABOUR COMMISSIONER, STATE OF KERALA, THIRUVANANTHAPURAM.

3. INSPECTOR OF PLANTATIONS, MANANTHAVADY.

4. THE GROUP MANAGER, ASSAM BROOKE ESTATE LTD., CHIRAKKARA, MANANTHAVADY.

5. V.M.JOSEPH, ADVOCATE, MANANTHAVADY AS CONVENOR OF THE JOINT ACTION COMMITTEE, MANANTHAVADI.

BY ADV. SRI.A.M.SHAFFIQUE
SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR
SMT.PRIYA MAHESH
SMT.PRIYA MANJOORAN
BY SR.GOVERNMENT PLEADER SRI.P.K.RAVIKRISHNAN
BY ADV.SRI.BENNY.P.THOMAS.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 19/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (OP NO.37075 OF 2002)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the intimation letter dtd.14.12.99.

Ext.P2: Copy of the returned cover.

Ext.P3: Copy of the intimation dtd.12.12.99.

Ext.P4: Copy of the petition dtd.21.11.2002.

Ext.P5: Copy of the notice dtd.21.11.2002.

Ext.P6: Copy of the public notice dtd.26.11.2002.

Ext.P7: Copy of the newspaper articles dtd.23.11.2002 and 24.11.2002.

Ext.P8: Copy of the notice dtd.26.11.2002.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

O.P.NO. 37075 OF 2002

Dated this the 19th day of March, 2007

J U D G M E N T

Petitioner is a trade union. It claims to be representing workers of the fourth respondent-Management. There was a lock out of the estate which gave rise to an industrial dispute. The first respondent initiated conciliation proceedings. The petitioner's claim to participate in the conciliation proceedings was rejected by the first respondent on the ground that the petitioner-Union does not represent the workers of the fourth respondent-Management. The petitioner therefore seeks a direction that no conciliation proceedings shall be held without the participation of the petitioner-Union.

2. Learned counsel for the fourth respondent-Management submits that subsequently, there was a transfer of management and a new company has taken over the estate which has lifted the lock out and therefore, the dispute which was under consideration in respect of which the petitioner-Union has filed this original petition no longer survives.

In the above circumstance, without expressing any opinion as to the right of the union to represent the workers of the Society, this original petition is dismissed.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

O.P NO. 37075 OF 2002

J U D G M E N T

DATED:19-03-2007